IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND SEVEN

PRESENT
THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No. 20214 of 2001

Between:

R.V.J. Textiles Private Limited,
Phoolbagh Board, Bobbili, represented by
Its M.D., Mr. A. Rajaratnam Naidu .

..... PETITIONER

AND

The Commissioner of Industries,
Department of industries, Hyderabad
And two others.

.....RESPONDENTS

THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 20214 of 2001

ORDER:

This writ petition is filed by the petitioner seeking writ of mandamus declaring the action of the respondents in not giving 25% rebate in power/electricity bills amount to the petitioner unit and demanding to pay entire electricity bills amount without deducting the power rebate of 25% as illegal, arbitrary and violative of principles of natural justice, and consequently direct the respondents to sanction power subsidy or rebate of 25% to the petitioner Company from the date of commencement of the commercial production for three years in terms of the Government Orders.

2. The grievance of the petitioner is that even though the petitioner has complied with the requirements of the G.O.Ms.No.654, dated 13.7.1976, and also G.O.Ms.No.498, dated 16.10.1989 as well as the Scheme of Target 2000 issued in G.O.Ms.No.108, the respondents did not grant the benefit of power rebate to the extent of 25% even though the

petitioner has established its unit and is not one of the unit which was specified as ineligible for the concessions.

3. Heard both the learned counsel and considered the material on record.

4. At the time of hearing, the petitioner also placed a copy of the order passed by the Commissioner of Industries, rejecting the claim of the petitioner on the ground that the petitioner's unit has started commercial production subsequent to the expiry of the Target 2000 Scheme. In addition, it was also specifically referred to G.O.Ms.No.9, dated 5.1.2001, as per which the Units started operations between 1.4.2000 to 31.3.2005 are entitled for the benefit. However, that benefit is available only to the small-scale industries and tiny units. The Commissioner of Industries categorically found that the petitioner's unit is not a small-scale industry, and therefore, it is not entitled for the benefit of power subsidy. Though the petitioner tried to canvass that the order passed by the Commissioner of Industries is illegal and unsustainable, but was not able to satisfy this Court by placing the relevant material showing that the petitioner is a small-scale industry or otherwise is entitled for the power subsidy, as is claimed. In the absence of any such material, the claim of the petitioner is clearly devoid of merit.

5. Therefore, the writ petition is, accordingly, dismissed. No costs.

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S.ANANDA REDDY.J

Dated: 11..07..2007
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THE HON'BLE MR. JUSTICE S.ANANDA REDDY

WRIT PETITION No.20214 of 2001

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Dt. 11..07..2007